IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3148 OF 2005

Kalyani Raju Shetty & Ors. ... Petitioners

V/s.

Shri Dhondiram Rama Dhinde & Anr. ... Respondents

Mr.S.H. Joshi for Petitioners
Mr.P.S. Dani for Respondents

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 9, 2005**

P.C.:

. The Petition has been filed against the concurrent finding of facts arrived at by the trial Court and the appellate Court. Both the Courts have held that the Petitioners have sublet the premises unlawfully. This was borne out by the fact that defendant No.1 had in his written statement pleaded that he was sublet the premises in April 1994. The Courts, therefore, concluded that there was no lawful subletting on the part of the Petitioner.

2. On the issue regarding bonafide requirement and reasonableness of the need of the Petitioners, both the Courts have held that Respondent No.1 has not been able to make out a case for his requirement and accordingly

decreed the suit. The Courts below have also found that the comparative hardship is great in respect of the landlord. Hence, I see no reason to interfere with the impugned orders. Petition rejected.

3. The learned Advocate for the Petitioners requests for two year’s time to vacate the suit premises. Time to vacate the suit premises is granted upto 31.5.2006 subject to the Petitioners furnishing an undertaking within four weeks from today in the usual terms.